

**Notice of Allowability**

Application No.

10/616,600

Examiner

Benjamin H. Layno

Applicant(s)

FRENCH, R. MICHAEL

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☒ The drawings filed on 10 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 051704
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

Benjamin H. Layno  
Primary Examiner  
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## DETAILED ACTION

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The patent to Boylan et al. discloses a card game comprising red and black cards. Each player is dealt a hand of cards. Each player totals the numerical values of the red cards in their hand, and totals the numerical values of the black cards in their hand. Then the net total or spread of each hand is determined by subtracting the lowest total from the highest total to arrive at a difference. A winning hand is determined by comparing each player's spread with a winning spread closest to seven without exceeding seven, or alternatively, a winning hand is a hand having a spread equal to that of the dealer.

The patent to Mkrtchyan disclose a card game wherein each player is dealt two cards, and each player subtracting the lower card value from the higher card value to obtain a point total for the hand.

The patent to Nguyen discloses a card game comprising red and black cards. Each player is dealt a hand of cards. Each player totals the numerical values of either the red cards in their hand, or the black cards in their hand. The point total of each players hand is compared to a banker hand.

The patent to Miller et al., Ferrer and Rozzi, Sr. et al. each discloses Blackjack or Baccarat type game wherein the Ace = 1 or 11, King =  $\frac{1}{2}$ , Queen =  $\frac{1}{2}$ , Jack =  $\frac{1}{2}$ .

None of the cited references alone or in combination teach the claimed steps of "Ace = 1 or 11, King =  $\frac{1}{2}$ , Queen =  $\frac{1}{2}$ , Jack =  $\frac{1}{2}$ ," "b. designating a first column and a

second column for each player; c. said dealer dealing a card to said first column and to said second column of each said players including said dealer, repeating step c. until there are three cards in each of the said player's first and second columns; e. calculating the spread between each player's first column and second column by totaling said point value of the cards in each column and subtracting the lowest total from the highest total to arrive at a difference that is the spread between player's columns".

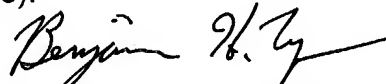
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (703) 308-1815. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Benjamin H. Layno  
Primary Examiner  
Art Unit 3712

bhl